

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NEONODE SMARTPHONE LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO. LTD.
And SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

Civil Case No. 6:20-cv-00507-ADA

UNOPPOSED MOTION TO MODIFY SCHEDULING ORDER (ECF NO. 65)

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff Neonode Smartphone LLC (“Neonode”) moves for an Order modifying the Court’s Amended Scheduling Order (ECF No. 65) so that deadlines related to claim construction can be extended in light of the appearance of new counsel for Neonode. Neonode has submitted a proposed schedule contemporaneously with this Unopposed Motion (attached hereto as Exhibit A), which amends only the identified deadlines and leaves in place all other deadlines in the Court’s Amended Scheduling Order (ECF No. 65). The Samsung defendants do not oppose this amendment. However, if the Court is unable to hold the *Markman* hearing on or before July 7, 2023, Neonode agrees that it will not oppose a motion by Samsung to move the *Markman* hearing to sometime in or after August 2023 (due to pre-existing conflicts) and further agrees to adjust the remaining case schedule to be triggered off that hearing date.

Original Deadline	Amended Deadline	Item
May 5, 2023	May 19, 2023	Plaintiff files Responsive claim construction brief.
May 19, 2023	June 9, 2023	Defendant files Reply claim construction brief.
May 19, 2023	June 9, 2023	Parties to jointly email the law clerks (see OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution
June 2, 2023	June 22, 2023	Plaintiff files a Sur-Reply claim construction brief.
June 7, 2023	June 27, 2023	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
June 9, 2023	June 27, 2023	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
June 23, 2023	July 7, 2023	Markman Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
June 26, 2023	July 10, 2023	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).

Dated: May 2, 2023

Respectfully submitted,

By: /s/ Brian D. Melton
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Counsel for Plaintiff
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CERTIFICATE OF SERVICE

I certify that on May 2, 2023, this document properly was served on counsel of record via electronic filing in accordance with the USDC, Western District of Texas Procedures for Electronic Filing:

/s/ Brian D. Melton

Brian D. Melton